

NEW JERSEY DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO: All Personnel Concerned

From: Robert K. Suess, Chief
Bureau of Roadway
Plans and Specifications

SUBJECT: Limitation of use of Grant or DATE: 05-04-90 TELEPHONE: 5-2573
Contract Funds for Lobbying,
Proposal Section VIII, Revision.

Certification for Federal-Aid
Contracts - Proposal Attachment

Reference is made to Section 319 of Public Law 101-121 (Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990).

The law prohibits Federal Funds from being expended by the recipient or any lower tier subrecipients of a Federal contract, grant, loan or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the award of any Federal contract, the making of any Federal grant or loan, or the entering into of any cooperative agreement.

Consequently, the current Proposal form has been revised to include a Certification for Federal Aid Contracts under Section VIII, whereby the Contractor certifies that he/she is in compliance with the new regulations.

The new text included under Section VIII is as follows:

VIII. CERTIFICATION FOR FEDERAL AID CONTRACTS

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

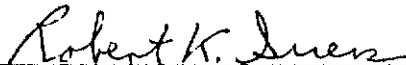
(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

All new Proposals produced from the main frame after the date of this Memorandum shall have the above text incorporated therein.


Robert K. Suess

Implementation Code B

RKS:MDC:ab
90040 APC-2

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